

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MONEY MAILER, LLC,

Plaintiff,

v.

WADE G. BREWER,

Defendant.

NO. C15-1215RSL

SECOND ORDER FOR FURTHER  
BRIEFING

This matter comes before the Court on “Wade Brewer’s Motion for Adequate Security.” Dkt. # 267. On June 3, 2020, the Court directed Money Mailer to address the third factor of the *Simulnet E. Assocs. v. Ramada Hotel Operating Co.*, 37 F.3d 573, 576 (9th Cir. 1994), analysis, namely whether it has the financial wherewithal to post a bond of \$640,000. Money Mailer’s response is so general that it provides virtually no information regarding the structure of the assignment agreements, the short- and long-term impacts of the agreements on its finances, or the costs of obtaining a bond. Having reviewed the evidence submitted by defendant, it is entirely possible that, although Money Mailer is currently shorn of its assets, any funds and assets left after the Assignee administers the claims process for unsecured creditors will revert back to Money Mailer. In addition, if, as Money Mailer contends, all of its assets have been transferred to the Assignee (with or without a reversionary interest), it may no longer have

1 standing to pursue this litigation.

2       The Clerk of Court is directed to renote Brewer's motion for adequate security (Dkt.  
3 # 267) on the Court's calendar for Friday, July 3, 2020. Within five days of the date of this  
4 Order, Money Mailer shall provide additional briefing (not to exceed six pages) and evidence  
5 regarding (a) its right to pursue this litigation in light of the alleged sale of all of its assets, (b) its  
6 assets, liabilities, and income following the transfer to the Assignee, (c) its projections or  
7 forecasts regarding income it anticipates receiving through any reversionary provision in the  
8 assignment agreements, related contracts, or governing statutes, and (d) the costs of obtaining a  
9 bond in the amount of \$640,000. Brewer may file a response of no more than six pages within  
10 seven days of Money Mailer's filing. Money Mailer may file a reply of no more than three pages  
11 on or before the note date.  
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15       Dated this 18th day of June, 2020.

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17       Robert S. Lasnik  
18       United States District Judge  
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